

Notice of Allowability

Application No.

09/475,630

Examiner

Igor Borissov

Applicant(s)

SANDELL ET AL.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination (RCE) of 6/22/2006.
2. ☒ The allowed claim(s) is/are 1-15, 17-23, 25-46, 48-53, 55 and 56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

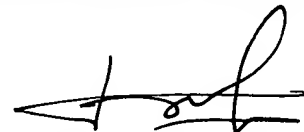
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



IGOR N. BORISSOV
PRIMARY EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/2006 has been entered.

Response to Amendment

Amendment received on 5/22/2006 is acknowledged and entered. Claims 16, 24, 47 and 54 have previously been canceled. Claims 1, 28, 42 and 50 have been amended. New claim 56 has been added. Claims 1-15, 17-23, 25-46, 48-53, 55 and 56 are currently pending in the application.

Claim Rejections - 35 USC § 103

Claim Rejections under 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS

28. (Currently amended) A system for delivering goods from a plurality of suppliers to a plurality of buyers based on respective orders placed by the plurality of buyers, said system comprising:

a communications network;

a logistics intermediary coupled to said communications network, said logistics intermediary having an electronic manifest; wherein said logistics

intermediary is ~~adapted~~ configured to adjust good deliveries based on an exception report;

at least one delivery agent coupled to said communications network, wherein said at least one delivery agent is ~~adapted~~ configured to deliver and install a first set of goods ordered by a respective buyer based on information in said electronic manifest;

at least one supplier ~~adapted~~ configured to generate order reschedules of a second set of goods based on conditions, of the first set of goods, provided by the at least one delivery agent to said at least one supplier via said logistics intermediary, wherein said at least one supplier is configured to generate[[s]] the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyers, wherein said at least one supplier is configured to generate[[s]] the order schedules based on at least one of:

a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent; and

a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent; and

at least one store coupled to said communications network, wherein said at least one store is adapted to receive order information generated by each respective buyer and communicate the order information to said logistics intermediary via said communications network.

31. (Currently amended) The system for delivery of goods as recited in claim 30, wherein said communications network further comprises a computing unit B having a display and being ~~adapted~~ configured to communicate with said at least one computing unit A via the Internet based server.

35. (Currently amended) The system for delivery of goods as recited in claim 28, wherein said logistics intermediary is ~~adapted~~ configured to generate a master requisition label, associated manufacturer shipping labels, and an advanced shipping notice.

36. (Currently amended)) The system for delivery of goods as recited in claim 28, wherein said logistics intermediary is ~~adapted~~ configured to communicate with a respective store, a respective delivery agent, and a respective supplier.

37. (Currently amended) The system for delivery of goods as recited in claim 36, wherein said logistics intermediary is configured to communicate[[s]] with said respective store, said respective delivery agent, and said respective supplier in a manner selected from a group including, mail, courier, fax, and the Internet.

38. (Currently amended) The system for delivery of goods as recited in claim 28, wherein a respective supplier is ~~adapted~~ configured to generate a purchase order for a respective store based on the order information generated by the respective buyer.

39. (Currently amended) The system for delivery of goods as recited in claim 32, wherein a scanner employs a computer program having an exception report and a disposition report.

40. (Currently amended) The system for delivery of goods as recited in claim 39, wherein said scanner employs the computer program having an exception report comprising a overage menu, a shortage menu, a damaged menu, and a suspend menu, each respective menu being selectable from a display of said scanner.

41. (Currently amended) The system for delivery of goods as recited in claim 39, wherein said scanner employs the computer program having a disposition report comprising a complete menu, a damage menu, a refusal menu, and a cancel menu, each respective menu being selectable from the display of said scanner.

42. (Currently amended) A system for integrating information for the delivery of goods from a supplier to a buyer, the system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, said system comprising:

means for utilizing a communications network to transfer order and shipping information between a respective supplier, a respective delivery agent, and a respective store;

means for utilizing a logistics intermediary coupled to said communications network, said logistics intermediary being adapted configured to employ an electronic manifest;

means for providing order and shipping information to the at least one delivery

agent and the at least one supplier, wherein said at least one delivery agent is ~~adapted~~ configured to deliver and install a first set of goods ordered by the respective buyer based on information in said electronic manifest;

means for scheduling a shipment of a second set of goods produced by the at least one supplier based on said order and shipping information, and an exception report, wherein said at least one supplier is ~~adapted~~ configured to generate order reschedules of the second set of goods based on conditions, of the first set of goods, provided by said at least one delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier is configured to generate[[s]] the order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyers, wherein said at least one supplier is configured to generate[[s]] the order scheduyles based on at least one of:

a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least-one delivery agent; and

a receptions, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent; and

means for updating the electronic manifest after the order has been executed.

46. (Currently amended) The system for integrating information as recited in claim 45, wherein said exception report comprises a [[“]]overage[[“]] menu, a [[“]]shortage[[“]] menu, a [[“]]damaged[[“]] menu, and a [[“]]suspend[[“]] menu.

49. (Currently amended) The system for delivery of goods as recited in claim 28, wherein said logistics intermediary is further ~~adapted~~ configured to adjust good deliveries based on a disposition report.

50. (Currently amended) A system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, wherein the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network, said system comprising:

a logistics intermediary configured to electronically communicat[[ing]] respective invoice information to a respective delivery agent based on an electronic manifest, said logistics intermediary further configured to electronically communicat[[ing]] said respective invoice information via a server to said respective delivery agent, said respective invoice information generated from respective order information, said respective delivery agent configured to note[[ing]] exceptions and electronically communicat[[ing]] via the server the exceptions to said logistics intermediary, said at least one supplier adapted configured to respond based on conditions, of a plurality of shipped goods, provided by said respective delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier configured to generate[[s]] a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers, wherein the at least one supplier configured to schedule[[s]] a pick-up of an overage good upon receiving an entry, via a graphical user interface, of the overage good, wherein the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent; and

a respective store configured to contemporaneously communicat[[ing]] via the server respective order information to said logistics intermediary.

51. (Currently amended) The system as recited in claim 50, wherein said logistics intermediary further configured to electronically communicate[[s]] exceptions to a respective supplier.

52. (Currently amended) The system as recited in claim 51, wherein said

logistics intermediary configured to electronically communicate[[s]] exceptions to a respective store from which goods were ordered.

53. (Currently amended) The system as recited in claim 51, wherein said respective delivery agent configured to electronically communicate[[s]] a disposition status of respective shipped goods to said logistics intermediary and said logistics intermediary configured to update[[s]] said electronic manifest.

Allowable Subject Matter

Claims 1-15, 17-23, 25-46, 48-53, 55 and 56 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent Claims 1, 28, 42 and 50, the best prior art Call (US 5,913,210) in view of Nicholls et al. (US 5,485,369) further in view of Kadaba (US 6,889,194) and further in view of Graves et al. (H1743) teaches a method and system for delivering goods, comprising: contemporaneously communicating respective order information from a store to a server; a respective delivery agent communicating with the server; communicating the information from the server to a supplier; communicating disposition status of the goods from the delivery agent to the server; exchanging or transferring information about products to other respective party and the server updating the product information; generating respective invoice information from the order information; communicating the invoice information from the logistics intermediary to a delivery agent; noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent; communicating exceptions from the logistics intermediary to the respective supplier to the store; communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; responding, by the respective supplier,

based on the exceptions, including conditions of the respective shipped goods, provided by the respective delivery agent to the respective supplier via the logistics intermediary; wherein the manifest is updated by the logistics intermediary, and wherein said responding includes rescheduling an order.

However, Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al. fails to disclose that said rescheduling the order is based on at least one of: a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent; and a reception, via the graphical user interface of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent.

The best foreign art, Juedes et al. (WO 01/13261 A1), while teaching logistics management system for Internet orders, fails to disclose rescheduling said orders based on at least one of: a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent; and a reception, via the graphical user interface of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent.

The best non-patent literature, Senn (WISs at Federal Express), discloses specifics of ordering shipments over the Internet.

However, Senn fails to disclose rescheduling said orders based on at least one of: a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent; and a reception, via the graphical user interface of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent.

The remaining dependent Claims are considered allowable, as they are dependent and based off of an allowable independent Claims.

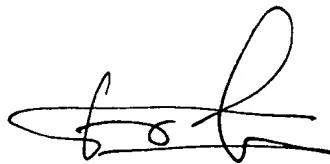
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
8/19/2006



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PRIMARY EXAMINER